

FILED

NOV - 5 2009

CLERK, U.S. DISTRICT COURT

By _____
Deputy

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA)
)
VS.)
)
GARY DEAN RUTHERFORD)

CASE NO.: 3:09-CR-075-K (03)

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

GARY DEAN RUTHERFORD, by consent, under authority of United States v. Dees, 125 F.3d 261 (5th Cir. 1997), has appeared before me pursuant to Fed. R. Crim.P. 11, and has entered a plea of guilty to the **One Count Superseding Information** filed on October 27, 2009. After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary and that the offense(s) charged is supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty and plea agreement be accepted and that Defendant be adjudged guilty and have sentence imposed accordingly.

Date: November 5, 2009.


IRMA C. RAMIREZ
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).